

**Effective 5/13/2014**

**10-3-301 Notice -- Eligibility and residency requirements for elected municipal office -- Mayor and recorder limitations.**

- (1)
  - (a) On or before February 1 in a year in which there is a municipal general election, the municipal clerk shall publish a notice that identifies:
    - (i) the municipal offices to be voted on in the municipal general election; and
    - (ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (1)(a)(i).
  - (b) The municipal clerk shall publish the notice described in Subsection (1)(a):
    - (i) on the Utah Public Notice Website established by Section 63F-1-701; and
    - (ii) in at least one of the following ways:
      - (A) at the principal office of the municipality;
      - (B) in a newspaper of general circulation within the municipality at least once a week for two successive weeks in accordance with Section 45-1-101;
      - (C) in a newsletter produced by the municipality;
      - (D) on a website operated by the municipality; or
      - (E) with a utility enterprise fund customer's bill.
- (2)
  - (a) A person filing a declaration of candidacy for a municipal office shall meet the requirements of Section 20A-9-203.
  - (b)
    - (i) Except as provided in Subsection (2)(b)(ii), the city recorder or town clerk of each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in Subsections 20A-9-203(2)(a)(i) and (b)(i) unless the date occurs on a:
      - (A) Saturday or Sunday; or
      - (B) state holiday as listed in Section 63G-1-301.
    - (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that is less than 40 hours per week, the city recorder or town clerk may comply with Subsection (2)(b)(i) without maintaining office hours by:
      - (A) posting the recorder's or clerk's contact information, including a phone number and email address, on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on the municipal website; and
      - (B) being available at that contact information from 8 a.m. to 5 p.m. on the dates described in Subsection (2)(b)(i).
- (3) Any person elected to municipal office shall be a registered voter in the municipality in which the person was elected.
- (4)
  - (a) Each elected officer of a municipality shall maintain residency within the boundaries of the municipality during the officer's term of office.
  - (b) If an elected officer of a municipality establishes a principal place of residence as provided in Section 20A-2-105 outside the municipality during the officer's term of office, the office is automatically vacant.
- (5) If an elected municipal officer is absent from the municipality any time during the officer's term of office for a continuous period of more than 60 days without the consent of the municipal legislative body, the municipal office is automatically vacant.
- (6)
  - (a) A mayor of a municipality may not also serve as the municipal recorder or treasurer.

(b) The recorder of a municipality may not also serve as the municipal treasurer.

Amended by Chapter 38, 2014 General Session